

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY:

*Donna Marks*

Date:

*August 15, 2005*

MAIL STOP ISSUE FEE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Application of:

**Ernest D. Baker et al.**

Conf. No.: **3160**

Group Art Unit: **3618**

Appln. No.: **10/757,154**

Examiner: **J. Allen Shriver**

Allowance Date: **June 22, 2005**

Filing Date: **January 14, 2004**

Attorney Docket No.: **4110-151U2  
(367(2))**

Title: **ROTARY FEEDBACK MECHANISM FOR A TOY**

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**


In order to preserve applicants' rights, the statement of reason(s) with respect to the allowance of claims 1-2 is initially traversed on the ground that it misstates one of the elements of the allowed claims. In particular, in summarizing the elements of the allowed claim 1, the Examiner refers to "a first set of three separate electrically conductive pads..." and "an individual signal conductor from each of the three conductive pads to the controller...." (DETAILED ACTION, para. 2., lines 4-5 and 8-9, respectively.) However, claim 1 expressly calls for "**at least three (conductive pads)**" in each instance. Support for the greater possible number of pads is found at least at page 12, lines 16-17 of the specification.

Rule 1.104(e) and MPEP 1302.14 permit the Examiner to set forth a written statement of reasons for allowance under certain circumstances. In particular, MPEP 1302.14 expressly provides, in part, that "(t)he statement is not intended to necessarily state all the reasons for allowance or all the details why claims are allowed and should not be written to specifically or impliedly state that all the reasons for allowance are set forth." While the Examiner's statement

sets forth (at least) one reason for allowance, Applicant(s) expressly reserve the right to assert in any future proceedings regarding this application or any patent(s) issuing directly or indirectly therefrom, the allowability and/or allowance of the claim(s) on the basis of any other reason(s) consistent with the prosecution history of the application.

Respectfully submitted,

**Ernest D. Baker et al.**

9 Aug 2005 (Date) By:   
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